

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Gabriella Carpenter	Team: Squad #13	CCRB Case #: 201701998	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Sunday, 03/12/2017 7:16 PM	Location of Incident: § 87(2)(b)	Precinct: 71	18 Mo. SOL 9/12/2018	EO SOL 9/12/2018	
Date/Time CV Reported Wed, 03/15/2017 4:29 PM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Wed, 03/15/2017 4:29 PM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. POM Daniel Oh	02508	953195	071 PCT
2. POM Frank Bulzoni	02681	936258	PBBS

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POF Tetsola Santiago	20453	947461	071 PCT
2. SSA Alfred Kelley	01974	924682	071 PCT
3. POF Taisha Skyers	19146	943820	071 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Daniel Oh	Force: PO Daniel Oh used physical force against § 87(2)(b)	§ 87(2)(b)
B.POM Daniel Oh	Force: PO Daniel Oh used physical force against § 87(2)(b)	§ 87(2)(b)
C.POM Daniel Oh	Discourtesy: PO Daniel Oh spoke discourteously to § 87(2)(b)	§ 87(2)(b)
D.POM Frank Bulzoni	Discourtesy: PO Frank Bulzoni spoke discourteously to § 87(2)(b)	§ 87(2)(b)

Case Summary

§ 87(2)(b) filed a complaint over the phone with the CCRB on March 15, 2017 on behalf of his § 87(2)(b)-old son, § 87(2)(b). § 87(2)(b) reported the incident to the Internal Affairs Bureau on March 12, 2017.

On March 12, 2017, at approximately 7:16 p.m., § 87(2)(b) was sitting with friends on the stairs of his apartment building, located at § 87(2)(b) in Brooklyn, while his friends smoked marijuana. Someone yelled, “Don’t move!” so § 87(2)(b) friends, thinking it was a police officer, ran downstairs and § 87(2)(b) ran upstairs to the § 87(2)(b) where his apartment is located. On the § 87(2)(b), Police Officer Daniel Oh of the 71st Precinct was running down the hallway from the direction of the elevator and he and § 87(2)(b) collided. § 87(2)(b) saw everything on PO Oh’s belt, realized he was a police officer, and put his hands up. PO Oh punched him in the mouth, pushing his front teeth back and cutting PO Oh’s knuckles (**allegation A**). PO Oh then grabbed the back of § 87(2)(b) sweatshirt and threw him onto the ground (**allegation B**). § 87(2)(b) landed on his stomach and PO Oh stepped on his head and told § 87(2)(b) to “shut the fuck up” a couple of times (**allegations C and D**). Police Officer Tetso!a Santiago appeared about a minute later as PO Oh was handcuffing § 87(2)(b). The officers took § 87(2)(b) down to the lobby where Police Officer Frank Bulzoni grabbed § 87(2)(b) handcuffs, tightened them, and then told § 87(2)(b) to shut up. PO Bulzoni took § 87(2)(b) outside and an officer § 87(2)(b) could not see searched him. During the search, PO Bulzoni told § 87(2)(b) to “shut the fuck up” a couple of times (**allegation E**). § 87(2)(b) was taken to the 71st Precinct stationhouse where he was charged with § 87(2)(b) and then was taken to § 87(2)(b) for a toothache.

Security cameras at the apartment building captured PO Bulzoni escorting § 87(2)(b) to a fence outside and officers searching him (BR 01 and BR 02). The video does not have audio and does not capture any allegations.



201701998 Video.avi

Mediation, Civil, and Criminal Histories

- Mediation was not offered in this case due to § 87(2)(b) arrest.
- As of June 6, 2017, no notice of claim has been filed in regard to this incident.
- § 87(2)(b)
- § 87(2)(b) has an upcoming court date on § 87(2)(b) in regard to this incident.

Civilian and Officer CCRB Histories

- This is the first CCRB complaint involving § 87(2)(b)
- PO Oh has been a member of the service for four years and has had six other CCRB allegations pled against him in four cases.
- PO Bulzoni has been a member of the service for twelve years and has had twenty-nine other CCRB allegations pled against him in thirteen cases which include the following: In CCRB 201100781, the Board substantiated an allegation of discourtesy (word) and recommended command discipline B and the NYPD disposition was command discipline B. In CCRB 201200928, the Board substantiated a frisk allegation and recommended no

disciplinary action due to the statute of limitations and the NYPD disposition was no discipline. § 87(2)(g)

- Four allegations of discourtesy (word) were pled against him, one in CCRB 200809222 that was unsubstantiated, one in CCRB 201100781 that was substantiated and is addressed above, one in each CCRB 201101195 and CCRB 201200928 that were unsubstantiated.

Potential Issues

- Contact attempts were placed to two of the friends that § 87(2)(b) was with in the stairway but there was no response. Another one of the friends § 87(2)(b) was with, § 87(2)(b) provided a phone statement but declined to schedule an interview. § 87(2)(b) was unable to provide a full name or any contact information for the last friend he was with. Additionally, contact attempts were placed to one neighbor § 87(2)(b) said was in the lobby when he was escorted outside but there was no response. § 87(2)(b) was unable to provide a full name or any contact information for the other neighbor who was in the lobby.

Investigative Findings and Recommendations

Allegations not pleaded:

- **Force:** § 87(2)(g)
§ 87(2)(b)
§ 87(2)(b)
§ 87(2)(b) The surveillance video of the courtyard, referenced above, shows that § 87(2)(b) was not thrown into the fence.

Allegation A: Force: PO Daniel Oh used physical force against § 87(2)(b)

Allegation B: Force: PO Daniel Oh used physical force against § 87(2)(b)

Allegation C: Force: PO Daniel Oh used physical force against § 87(2)(b)

Allegation D: Discourtesy: PO Daniel Oh spoke discourteously to § 87(2)(b)

§ 87(2)(b) testified that he had just left his friend's apartment in § 87(2)(b) in Brooklyn when he ran into four of his friends sitting on the stairs between the 4th and 5th floors smoking marijuana (BR 03 and BR 04). § 87(2)(b) sat with them for three to five minutes but did not smoke marijuana before a voice yelled "Don't move!" twice but § 87(2)(b) could not see the person who was yelling. § 87(2)(b) friends ran downstairs and out of the building, so § 87(2)(b) ran up the stairs to the § 87(2)(b) where his apartment is. They left the marijuana on the stairs. On the § 87(2)(b), § 87(2)(b) collided with PO Oh, who was running from down the hallway near the elevator. § 87(2)(b) and PO Oh's chests touched, and when § 87(2)(b) looked down, he saw everything on PO Oh's belt and realized that he was a police officer. § 87(2)(b) put his hands up and PO Oh punched him in the mouth with his right hand. When PO Oh's fist hit § 87(2)(b) teeth, it pushed his front teeth back and cut PO Oh's knuckles. PO Oh then grabbed the back of § 87(2)(b) sweatshirt with two hands and threw him onto the ground. § 87(2)(b) right temple hit the floor and he landed on his stomach. PO Oh stepped on § 87(2)(b) head and held his foot there, and then told § 87(2)(b) not to move and to "shut the fuck up" a couple of times. About a minute later, PO Santiago came up the stairs to the 6th floor. PO Oh took his foot off of § 87(2)(b) head, placed his knee on § 87(2)(b) back, and handcuffed him. PO Santiago and PO Oh helped § 87(2)(b) stand up, and took him downstairs in the elevator.

§ 87(2)(b) a friend § 87(2)(b) was with in the stairwell, testified that he saw § 87(2)(b) exiting another friend's apartment and walking home to the 6th floor; § 87(2)(b) and § 87(2)(b) had not smoked marijuana or hung out that day (BR 05). PO Santiago was on the 4th floor looking up the stairs and saw § 87(2)(b) in the hallway. She yelled for him to stop and § 87(2)(b) ran up the stairs to the § 87(2)(b) where his apartment is. § 87(2)(b) followed § 87(2)(b) to the § 87(2)(b) to make sure everything was alright. § 87(2)(b) was a little behind § 87(2)(b) and when he got to the § 87(2)(b), § 87(2)(b) was speaking to PO Oh. PO Oh asked § 87(2)(b) why he ran and § 87(2)(b) told him that he was scared because the officers came out of nowhere and told him to stop but he had not done anything. PO Oh said, "If you don't fucking have anything on you, why did you fucking run?" § 87(2)(b) told him that he lives in the building and had just been at a friend's apartment, and asked why he had been stopped. § 87(2)(b) started to walk away during the argument. While he was walking down the stairs, § 87(2)(b) heard at least three hits but could not see what happened. § 87(2)(b) walked back to his apartment and did not see anything else. § 87(2)(b) told § 87(2)(b) after the incident that PO Oh had hit him in the mouth and damaged a nerve in his tooth.

PO Oh testified that he and PO Santiago received a call from § 87(2)(b) informing them of a call about unknown "kids" smoking marijuana in the stairwell of § 87(2)(b) in Brooklyn (BR 06). When they arrived, he took the elevator up to the top floor and PO Santiago took the stairs. While in the elevator, he could hear PO Santiago say, "Stop! Don't move!" and heard footsteps. When he exited the elevator, he heard PO Santiago saying, "Stop! Don't move!" again and could still hear footsteps coming from the direction of the stairwell. PO Oh walked quickly from the elevator and as soon as he turned the corner, he collided with § 87(2)(b). PO Oh put his hands up before they collided and his right hand hit § 87(2)(b) face, possibly around his mouth. No other parts of PO Oh and § 87(2)(b) touched at that time. When PO Oh's hand hit § 87(2)(b), PO Oh sustained a laceration approximately two inches long on his hand. PO Oh tried to grab § 87(2)(b) collar but § 87(2)(b) fell on the ground as a result of the collision before PO Oh could touch him. PO Oh did not do anything to take § 87(2)(b) to the ground, nor did he punch, push, or kick him. PO Oh did not put his foot on § 87(2)(b) head or his knee on § 87(2)(b) back. When § 87(2)(b) was on the ground, PO Oh told him to give him his hands and § 87(2)(b) complied. PO Santiago arrived after § 87(2)(b) was on the ground before PO Oh handcuffed him. While on the ground, § 87(2)(b) was not actively resisting and did not move. After PO Oh handcuffed § 87(2)(b) he helped § 87(2)(b) up and then he and PO Santiago took him into the elevator. PO Oh did not use any profanity toward § 87(2)(b) including, "Shut the fuck up," and "If you don't fucking have anything on you, why did you fucking run?" or anything similar. PO Oh did not see § 87(2)(b) bleeding, nor did § 87(2)(b) appear to be injured, complain of any injuries, or ask for medical attention. Once they got outside the building, PO Oh left § 87(2)(b) with PO Santiago to go to the hospital for the laceration on his hand.

PO Santiago testified that she and PO Oh received a call that a group of black males were smoking in the stairwell of § 87(2)(b) in Brooklyn (BR 07). PO Santiago walked up the stairs and PO Oh took the elevator to the 6th floor. When PO Santiago reached the 5th floor she could hear talking, looked up, and saw a group of six to seven black males on the stairs between the 5th and 6th floors smoking a cigarette that she identified as marijuana from the smell. She saw § 87(2)(b) pass the cigarette to another male before they noticed her. She said, "Police! Don't move." § 87(2)(b) threw the marijuana on the ground and the group took off in different directions; the marijuana was not recovered or vouchered. PO Santiago walked up the stairs and saw § 87(2)(b) whose back was to her, running toward PO Oh. PO Oh was walking toward § 87(2)(b).

§ 87(2)(b) and put his hands up to block the impact of their collision. PO Santiago could not see which parts of their bodies collided from her angle and because the collision happened so quickly. After § 87(2)(b) ran into PO Oh, he fell on the floor. PO Oh did not push § 87(2)(b) forcibly take him to the ground, punch him, kick him, or put his foot on § 87(2)(b) head. She did not see PO Oh touch § 87(2)(b) face in any way. PO Santiago could not specify what part of his body § 87(2)(b) landed on, but he was lying on his side when PO Oh started to attempt to handcuff him. § 87(2)(b) kept saying that he did not do anything wrong and PO Oh told him several times to give him his hands. § 87(2)(b) kept moving the arm that he was not lying on away from PO Oh and using it to push PO Oh back as he tried to handcuff him. PO Oh was able to handcuff § 87(2)(b) after about ten minutes by pulling his hands and arms back; he did not touch § 87(2)(b) in any other way while cuffing him, and it took so long to handcuff § 87(2)(b) because he refused to give PO Oh his hands. PO Oh did not use profanity including, “Shut the fuck up,” and “If you don’t have anything on you, why did you fucking run?” After § 87(2)(b) was handcuffed, the officers took him downstairs.

§ 87(2)(b) was not present for these allegations but testified that when he saw § 87(2)(b) outside the building and transported him to the stationhouse he did not appear injured or have blood on him (BR 08). § 87(2)(b) was treated for a busted lip by EMTs at the stationhouse and then eventually went to the hospital. PO Oh sustained a laceration on his hand when he tried to grab § 87(2)(b) by the collar to apprehend him.

PO Bulzoni was not present for these allegations but testified that he did not recall seeing any injuries or blood on § 87(2)(b) when he searched him and transported him to the stationhouse (BR 09). PO Bulzoni thought that § 87(2)(b) was taken to § 87(2)(b) later but he did not ask for medical attention while with PO Bulzoni.

§ 87(2)(b) medical records from § 87(2)(b) on the date of the incident state that he had a laceration between his upper front teeth (BR 10). § 87(2)(b) medical records from § 87(2)(b) on § 87(2)(b) state that he was diagnosed with a concussion (BR 11). PO Santiago wrote on § 87(2)(b) medical treatment of prisoner form that he was treated for a toothache (BR 12).

Captain Rubin wrote in the Investigating Supervisor’s Assessment Report for PO Oh’s Threat, Resistance, or Injury Report that § 87(2)(b) stated that after he and PO Oh collided, he backed up, put his hands up, and then PO Oh punched him in the mouth and threw him against the wall (BR 18). Captain Rubin referred the case to Borough Investigations for further investigation.

PO Santiago wrote on her witness statement for PO Oh’s line-of-duty injury report that PO Oh was injured because § 87(2)(b) was “resisting arrest, flailing, pushing, and shoving” PO Oh (BR 13). PO Santiago wrote in her memo book that § 87(2)(b) ran into PO Oh’s hand and was flailing and pushing PO Oh as he attempted to arrest § 87(2)(b) (BR 14).

PO Oh wrote in his memo book that he sustained the laceration to his hand when he attempted to grab § 87(2)(b) collar to apprehend him (BR 15). PO Oh wrote on his line-of-duty injury report that he tried to grab § 87(2)(b) by the collar when his right hand struck § 87(2)(b) in the mouth area, cutting PO Oh’s hand (BR 16). PO Oh wrote in his Threat, Resistance, or Injury Report that he used a hand strike and forcible take down against § 87(2)(b) and that § 87(2)(b) pushed or shoved him (BR 17).

§ 87(2)(g)

§ 87(2)(g)

Allegation E: Discourtesy: PO Frank Bulzoni spoke discourteously to § 87(2)(b)

§ 87(2)(b) testified that after PO Oh and PO Santiago took § 87(2)(b) downstairs in the elevator, PO Bulzoni and PO Skyers approached § 87(2)(b) in the lobby. PO Bulzoni grabbed § 87(2)(b) handcuffs, tightened them, and told him to shut up a couple of times. PO Bulzoni walked outside with § 87(2)(b) then pushed his shoulder with one hand so that § 87(2)(b) was standing against a thigh-high gate. PO Bulzoni held § 87(2)(b) while a male officer § 87(2)(b) heard speaking to the other officers but could not see searched all of his pockets. While he was being searched, PO Bulzoni told § 87(2)(b) to “shut the fuck up” a couple of times.

§ 87(2)(b) was not present for this allegation.

PO Bulzoni testified that when he arrived on the scene, PO Oh and PO Santiago exited the building with § 87(2)(b) who was handcuffed. PO Bulzoni and PO Skyers walked over to § 87(2)(b) and escorted him to the side of the courtyard to search him. They held him against the short fence on the side. § 87(2)(b) was cursing at the officers but PO Bulzoni could not recall what was said specifically, nor could he recall whether he used profanity including “Shut the fuck up” to § 87(2)(b).

PO Santiago testified that after she and PO Oh took § 87(2)(b) outside, they handed him off to § 87(2)(b). She did not hear any officers use profanity such as “Shut the fuck up” outside the building.

PO Oh testified that outside the building, he left § 87(2)(b) with PO Santiago and went to the hospital. He was not present when officers searched § 87(2)(b).

§ 87(2)(b) testified that did not hear the conversation between § 87(2)(b) and the officers as he was on his radio at the time. He did not hear officers use profanity, including “Shut the fuck up.”

§ 87(2)(g)

Signature

Print

Date

Title/Signature

Print

Date

Title/Signature	Print	Date
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